

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

JAMES S.,

Case No. 2:17-cv-01304-SU

Plaintiff,

v.

**OPINION
AND ORDER**

COMMISSIONER, Social
Security Administration,

Defendant.

SULLIVAN, United States Magistrate Judge:

Plaintiff James S.¹ has filed an unopposed Motion for EAJA Fees, under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Docket No. 17). Plaintiff requests that attorney fees of \$3,863.28, expenses of \$26.70, and costs of \$5.50 be awarded to his attorney. *Id.* The Commissioner has stipulated to this award. (Docket No. 18). On May 23, 2018, the

¹ In the interest of privacy, this Opinion and Order uses only the first name and initial of the last name for non-governmental parties.

Commissioner stipulated to remand this matter to the agency for further administrative proceedings. (Docket No. 14).

As the prevailing party, plaintiff is entitled to attorney fees under EAJA. However, plaintiff has not provided the proper support for his Motion. Under 28 U.S.C. § 2412(d), EAJA fee awards are by default paid to the litigant, not his attorney. *See Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). For the Court to order an award directly to plaintiff's attorney, plaintiff must submit documentation so authorizing, such as a retainer agreement or attorney-client contract providing for the payment of EAJA fees to the attorney, or an affidavit from plaintiff approving such payment. Plaintiff has not provided this authorization.

The Court thus DENIES plaintiff's Motion, with leave to refile with sufficient, proper authorization.

IT IS SO ORDERED.

DATED this 29th day of August, 2018.

/s/ Patricia Sullivan
PATRICIA SULLIVAN
United States Magistrate Judge